

**REMARKS****Summary of the Final Office Action**

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hisamatsu et al. (U.S. Pub. No. 2002/0003815) (hereinafter "Hisamatsu") in view of Hirayama et al. (U.S. Patent No. 6,128,434) (hereinafter "Hirayama").

**Summary of the Response to the Office Action**

Applicants have amended claims 1, 4 and 7 to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-11 remain currently pending for consideration.

**Rejections under 35 U.S.C. 103(a) and Statement of Substance of Examiner Interview**

USPTO Examiner Oluwaseun Adegeye is thanked for the courtesies extended to Applicants' undersigned representative in a telephone interview conducted on June 23, 2009 in the instant application. When Applicants' undersigned representative initially contacted Examiner Adegeye by telephone on June 17, 2009 in order to request the interview, the Examiner requested that Applicants' undersigned representative forward to him a detailed agenda by facsimile including technical remarks to be asserted during the interview and also showing any proposed claim amendments. As a result, Applicants' undersigned representative forwarded a detailed agenda along these lines to the Examiner by facsimile on June 22, 2009. The content of this detailed agenda, as well as a summary of the substance of the associated Examiner interview is provided in the foregoing discussion.

Claims 1-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hisamatsu in view of Hirayama. With regard to Applicants' traversals of this rejection, Applicants will now repeat the technical assertions as included in the above-discussed detailed agenda that was forwarded to the Examiner by facsimile on June 22, 2009 in this application.

As explained in the detailed agenda, Applicants respectfully submit that characteristic features of the present invention, as described in independent claim 1 of the instant application, are as follows. Broadcasting information is recorded in a portion of a recording medium. See AVD in Fig. 4 of the instant application, for example. This broadcasting information includes one or more contents, types of the contents being different from each other. The broadcasting information includes unit information, which has a predetermined amount of information, and correlation information, which indicates a correlation between the contents. A plurality of contents group information (see CGIF1 to CGIFn in Fig. 4, for example) are generated based on the correlation information included in the broadcasting information. In other words, the contents group information is generated by descriptors in the AVD information of Fig. 4 of the instant application. The contents group information indicates one or more combinations of contents which are able to be reproduced for a respective contents group.

At page 3 of the Office Action, the Examiner concedes that the primary reference to Hisamatsu does not disclose "a plurality of contents group information based on the correlation information and indicating one or more combinations of the contents which are able to be reproduced." However, the Examiner then applies Hirayama as allegedly curing these deficiencies of Hisamatsu. After careful study, Applicants traverse the Office Action's assertions regarding Hirayama for at least the following reasons.

Independent claim 1 of the instant application specifically describes that the “contents group information” of the instant application includes: “identification information” and “type information.” The contents group information indicates a contents group in which contents are included. These features are shown in Fig. 4 of the instant application, which illustrates that contents group information (CGIFn) includes type information (CTY) and packet identification information (PID). Applicants respectfully submit that the type information (CTY) equates to the “type information” of claim 1 and the packet identification information (PID) equates to the “identification information” of claim 1. The type information indicates the type of a content in the broadcasting information. The packet identification information identifies a relationship between the unit information and the content in the broadcasting information. Applicants respectfully submit that these distinctive features make it possible to identify in which contents group any particular content from the broadcasting information should be included.

Even further, Applicants respectfully submit that the contents group information of the instant application is managed as a part of the program information PIF. See Fig. 4 of the instant application in this regard. Importantly, Applicants respectfully submit that as a result of this particular feature of the contents group information, a combination of the contents included in the AV information (AVD) can be recognized (detected) without reproducing the AV information itself. Applicants respectfully submit that this is the distinctive effectiveness of the disclosed invention of the instant application. For example, as discussed at page 2 of the specification of the instant application, management information is recorded as a part of the broadcasting information. When this information is encrypted, it becomes necessary to perform decryption before reaching the management information of the contents, thereby reducing a user’s convenience. On the other hand, in accordance with the advantageous features of the

instant application, as also discussed at page 2 of the specification of the instant application, “a combination and so on of contents included in the broadcasting information” can be recognized “without the need for reproducing the broadcasting information itself.”

As a result of these features of the instant application, when a particular program is selected, the program information PIF is able to provide a user with contents group information for their selected program. Because the contents group information is managed as part of the management information, namely the PIF program information, the one or more combinations of contents which can be reproduced may be presented to the user without the need to reproduce the AVD broadcast information as discussed previously. See, for example, Fig. 12 of the instant application.

As described in the Amendment previously filed by Applicants on October 28, 2008 in this application, Applicants explained that the combination of features of independent claim 1 of the instant application has at least two characteristic and remarkable features in that:

(A) the display such as that illustrated in, and described in regard to, Fig. 12 of the instant application is available; and the display of Fig. 12 advantageously enables Applicants to make the combination of the contents voluntarily for one program, and

(B) it advantageously becomes possible to recognize the combination of the contents which are included in the broadcasting information without reproduction of the broadcasting information itself.

On the other hand, Applicants respectfully submit that the Office Action’s applied arrangement from the disclosure of Hirayama is particularly different from the above-discussed features for at least the following reasons. Applicants respectfully submit that Fig. 2 of Hirayama discloses an arrangement regarding movies (Fig. 2A), for example, combination of

B&M (background sound only, DATA STRING “0”), D1+B&M (sound D1 + background sound, DATA STRING “1”), D2 (sound D2 only, DATA STRING “2”) and so on. Applicants respectfully submit that Hirayama merely discloses that a user can select contents to be reproduced. Moreover, Applicants respectfully submit that Figs. 3 and 4 of Hirayama disclose a data structure for using these contents (such as credits, sound, pictures, and so on) in a form such as that illustrated in Figs. 2 of Hirayama. More particularly, Applicants respectfully submit that Figs. 3B of Hirayama discloses a reproducible combination of SUB-PICTURE, AUDIO and VIDEO as the DATA UNIT (DUT#n).

However, Applicants respectfully submit that Hirayama does not disclose the feature of the instant application’s disclosure in that the contents group information is managed as part of the management information. More particularly, Fig. 4 of the instant application shows that the contents group information is managed as part of the PIF management information. In this regard, in Hirayama, Applicants respectfully submit that the only way to detect what combination(s) of content is able to be reproduced, in the manner discussed above, is to reproduce the DATA UNIT (DUT). See Fig. 3B of Hirayama in this regard.

Also, Applicants respectfully submit that Figs. 4A-4C of Hirayama disclose management information that could be said to be similar to the “PIF” of the instant application. However, Applicants respectfully submit that Figs. 4A-4C of Hirayama only disclose the definitions of the DATA STRING numbers. In other words, Figs. 4A-4C of Hirayama merely show information tables recorded in a management area of a disk.

Accordingly, Applicants respectfully submit that even if the management information disclosed in Figs. 4A-4C of Hirayama is reproduced, it is still not possible to identify the reproducible combination of the contents uniquely in the manner discussed above with regard to

the features of the instant application's disclosure. This is because if the DATA STRAIN NUMBER #0 ~ #7, for example, are defined in the management information of Hirayama, each DATA UNIT does not need to have the data corresponding respectively to the DATA STRAIN NUMBER #0 ~ #7 and the management information disclosed in Figs. 4A-4C of Hirayama only functions as typical reference information. In other words, Applicants respectfully submit that Hirayama does not disclose the instant application's features of the contents group information which indicates one or more combinations of the contents which are able to be reproduced.

More particularly in these regards, Applicants respectfully submit that it might be asserted that Figs. 4A-4C of Hirayama appear to show PIF management information that indicates combinations of contents. However, Applicants respectfully submit that the PIF shown in Figs. 4A-4C of Hirayama is particularly different from the PIF features of the instant application's disclosure. Applicants respectfully submit that the PIF shown in Figs. 4A-4C of Hirayama indicates the table of the definitions of the "DATA STRAIN NUMBER." Applicants respectfully submit that the table shown in Figs. 4A-4C of Hirayama is common for all contents recorded on the disk in Hirayama. Accordingly, Applicants note that this table in Hirayama does not indicate the combination of language and audio, for example, for a respective content. This important distinction between Hirayama and the instant application's disclosure will now be discussed in more detail.

Applicants respectfully submit that the table shown in Fig. 4A of Hirayama indicates the languages which are able to be selected by using the menu shown in Fig. 5A of Hirayama. Applicants respectfully submit that by using the menu shown in Fig. 5A of Hirayama, a user can select the language which the user is able to understand. See col. 8, lines 64-67, col. 9, lines 6-22, and col. 9, lines 34-39 of Hirayama. Applicants respectfully submit that in the disclosure of

Hirayama, the menu shown in Fig. 5B is displayed with the language which is selected by using the menu shown in Fig. 5A. Applicants respectfully submit that the language being able to be selected with the menu shown in Fig. 5B is defined in the table shown in Fig. 4B of Hirayama. Applicants respectfully submit that the table shown in Figs. 4A and 4B are connected with each other. See col. 9, lines 6-22 and col. 9 lines 34-39 of Hirayama.

On the other hand, Applicants respectfully submit that, as shown in Figs. 8A and 8B of Hirayama, more than one contents are recorded on the disk generally. See col. 11, lines 60-62 of Hirayama. Applicants respectfully submit that it is important to note that all of these recorded contents do not always support all languages defined in the table shown in Fig. 4A of Hirayama. It is Applicants' opinion that the table shown in Fig. 4B of Hirayama indicates a common definition of languages used in the contents recorded on the disk. Applicants respectfully submit that this table does not indicate any relevance, or correlation information, between particular contents but instead indicates only the languages which are able to be reproduced in the contents commonly.

Applicants respectfully submit that there is every possibility that the contents which are reproduced do not support the language which is selected by using the table shown in Fig. 4B of Hirayama. On the other hand, with the menu shown on Fig. 8B, a user selects a usable language in the contents which is actually reproduced. In other words, Applicants respectfully submit that the language being selected with the menu shown in Fig. 8B is absolutely included in the contents which are reproduced. Applicants have no doubt that the several alternatives of languages included in the display shown in Fig. 8B are different from the languages indicated in the table shown in Fig. 4B. Applicants respectfully submit that this is because a language which is not able to be reproduced should not be included in the display shown in Fig. 8B.

Accordingly, Applicants respectfully submit that in the disclosure of Hirayama, by using only "VID" or "PIF" of Hirayama, a user cannot select the language, for example, which is able to reproduced.

Applicants respectfully submit that in Hirayama in order to recognize (detect) the combination of contents which are able to be reproduced, it is absolutely necessary that the reproducing apparatus reproduces the DATA UNIT (DUT) at least. See Fig. 3B of Hirayama in this regard. Accordingly, Applicants respectfully submit that Hirayama does not disclose the instant application's above-discussed distinctive effectiveness of the features of the contents group information of the instant application in that without reproducing the AV information itself, it is able to recognize (detect) a combination of the contents being included in the AV information.

For at least the foregoing reasons, Applicants respectfully submit that Hirayama is particularly different from the disclosure of the instant application and thus should be withdrawn as an applied reference against the claims of the instant application.

Nevertheless, in an effort to advance the prosecution of this application, Applicants have newly-amended independent claims 1, 4 and 7 of the instant application as shown in the above-discussed detailed agenda and as discussed with the Examiner during the June 23, 2009 Examiner Interview, in order to further describe features along the lines of the foregoing discussion.

In this regard, Applicants have newly-amended each of the independent claims 1, 4 and 7 to describe that the contents group information is a part of management information, and indicates, for a respective contents group, one or more combinations of the contents which are able to be reproduced." Even further, Applicants propose to amend each of independent claims

1, 4 and 7 to describe that "the recording device records the management information on the recording medium separately from the broadcasting information."

Applicants respectfully submit that with these features, the instant application's disclosed arrangements have a remarkable effectiveness in that a user recognizes the usable (reproducible) combinations of the contents by reproducing (detecting) only the management information that is recorded separately from the broadcasting information. Accordingly, Applicants respectfully submit that, in the instant application's disclosed arrangements, it is not necessary for a user to reproduce (detect) other information except for this management information. Applicants respectfully submit that, with regard to this effectiveness, as described previously, using the disclosed arrangements of Hirayama, a user cannot select the language which is able to reproduced by using only the "VID" or "PIF" information of Hirayama.

Accordingly, for at least the foregoing reasons which are repeated from the above-discussed detailed agenda, Applicants respectfully submit that the newly-implemented amendments to independent claims 1, 4 and 7 clearly distinguish from the applied Hisamatsu and Hirayama references, whether taken separately or in combination with each other.

In the interview conducted on June 23, 2009 in this application, Applicants' undersigned representative confirmed that the Examiner had properly received the detailed agenda as forwarded to the Examiner by Applicants' undersigned representative on June 22, 2009. Applicants' undersigned representative commenced the interview by discussing the features of independent claim 1, including Applicants' proposed amendments to this claim as shown in the detailed agenda. Applicants' undersigned representative explained to the Examiner that Applicants intend to make similar changes to the remaining independent claims 4 and 7.

In connection with this discussion of independent claim 1, Applicants' undersigned representative referred to portions of Fig. 4 of the instant application to explain various features described in independent claim 1 similar to the discussion of such in the detailed agenda. Applicants' undersigned representative also referred the Examiner to Fig. 12 of the instant application. Applicants' undersigned representative explained how the particular features of the instant application's invention results in an advantageous ability to recognize (detect) a combination of contents included in the AV information (AVD) without reproducing the AV information itself, as described in the detailed agenda.

The Examiner noted that this discussion was helpful to him in understanding the features of the instant application, such as the generated contents group information being recorded in management information (PIF) on the recording medium separately from the broadcasting information (AVD); and also the contents group information (CGIFn) including type information (CTY) and identification information (PID).

The Examiner noted preliminarily that he sees some possible differences between Hirayama and independent claim 1, for example, at least the claimed type information and identification information. However, the Examiner noted that he would need to study Hirayama in more detail before reaching any conclusions of patentability with regard to the proposed claim amendments to the independent claims.

The Examiner indicated that the changes proposed to the independent claims would raise new issues requiring further consideration and search because this application is currently after a final rejection. Accordingly, the Examiner noted that a Request for Continued Examination ("RCE") should be filed in order to have these proposed changes entered and considered at this

time. The Examiner also confirmed that he would not issue a first action final rejection after the RCE filing in light of these proposed amendments to the claims.

Finally, the Examiner noted that once the RCE is filed and the Examiner formally examines the new claims in detail, he will call Applicants' undersigned representative in order to further discuss any outstanding issues, such as any possible requests for technical clarifications and/or any possible proposed claim amendments, if necessary at that time. **Accordingly, in accordance with the Examiner's indication of such during the June 23, 2009 telephone interview, in the event that the Examiner deems that this application is not currently in condition for allowance, the Examiner is respectfully requested to place a telephone call to Applicants' undersigned representative at 202-842-8812 to discuss any outstanding issues.**

Applicants have amended claims 1, 4 and 7 as proposed to the Examiner during the June 23, 2009 interview.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be withdrawn because Hisamatsu and Hirayama, whether taken separately or in combination, do not teach or suggest each feature of newly-amended independent claims 1, 4 and 7 of the instant application. Furthermore, Applicants respectfully assert that the dependent claims are allowable at least because of their dependence from independent claims 1, 4 or 7 and the reasons discussed previously.

### **CONCLUSION**

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response; the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**DRINKER BIDDLE & REATH LLP**

Dated: July 6, 2009

By:



Paul A. Fournier

Reg. No. 41,023

**Customer No. 055694**

**DRINKER BIDDLE & REATH LLP**

1500 K Street, N.W., Suite 1100

Washington, DC 20005-1209

Tel.: (202) 842-8800

Fax: (202) 842-8465